



ILLINOIS COMMERCE COMMISSION

April 21, 2003

The Burlington Northern and Santa Fe Railway Company and City of
Savanna, Carroll County, Illinois,
Petitioners,

V.

Illinois Department of Transportation,
Respondent.

T03-0034

Petition for an order from the Illinois Commerce Commission authorizing
the permanent closing and barricading to all vehicular traffic at the grade
separation structure located at the intersection of Iris Street and the
trackage of The Burlington Northern and Santa Fe Railway Company
located at Milepost 143.39, DOT No. 069902Y in the City of Savanna,
Carroll County, Illinois.

Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
118 S. Clinton St., Ste. 700
Chicago, IL 60661

Dear Mr. Sazdanoff:

Receipt is acknowledged of the original and four (4) copies of the Petition filed April 18,
2003 in the above matter.

Processing and Information Section

kl

cc: Mr. James Easterly, IDOT
Mr. W. Douglas Werner, BNSF
Ms. Cheryl Townlian, BNSF
CT Corporation System, BNSF
City of Savanna, Mayor/Clerk

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY and
CITY OF SAVANNA, CARROLL COUNTY,
ILLINOIS,

Petitioner,

v.

ILLINOIS DEPARTMENT OF
TRANSPORTATION,

Respondent.

No.

703-0034

RECEIVED
APR 18 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for an order from the Illinois
Commerce Commission authorizing the
permanent closing and barricading to all
vehicular traffic the grade separation
structure located at the intersection of Iris
Street and the trackage of The Burlington
Northern and Santa Fe Railway Company
located at Milepost 143.39, DOT No. 069902Y)
in the City of Savanna, Carroll County,
Illinois

JOINT PETITION

Now come joint petitioners, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and City of Savanna, Carroll County, Illinois and for their joint petition to the Illinois Commerce Commission states as follows:

1. Petitioner, BNSF is a Delaware corporation authorized to transact business in the State of Illinois and operates a common carrier service by railroad in interstate and intrastate commerce with certain trackage and other facilities located throughout the State of Illinois, including the City of Savanna, Carroll County, Illinois.

DOCKETED

2. Petitioner, City of Savanna, Carroll County, Illinois ("City") is an Illinois Municipal corporation.
3. Iris Street is a north/south roadway located within the geographic boundaries of the City and is under the jurisdiction of City.
4. BNSF operates certain trackage extending in a generally east/west direction through City.
5. Iris Street traverses the trackage of BNSF by virtue of a grade separation carrying Iris Street over the trackage of BNSF located at Milepost 143.39, DOT No. 069902Y.
6. BNSF and City recommend and request that the grade separation at Iris Street and the tracks of BNSF, Milepost 143.39, DOT No. 069902Y be permanently closed and barricaded to vehicular traffic with said grade separation structure remaining open only to pedestrian traffic, as the public convenience and necessity no longer requires the existence of said grade separation structure for use by vehicular traffic and public safety would be enhanced by the closure of the aforesaid grade separation structure to vehicular traffic.

7. Pursuant to prior order entered by the Illinois Commerce Commission in the matter styled City of Savanna, Carroll County, Illinois v. Chicago, Burlington & Quincy Railroad Company, Case No. 53391 entered October 4, 1972, the Illinois Commerce Commission ordered that BNSF rehabilitate the Iris Street grade separation for ten (10) ton weight capacity and that BNSF and City share equally in all costs of subsequent maintenance of the Iris Street grade separation structure. BNSF and City agree that no change should be made as to responsibility among the parties with respect to maintenance costs of the grade separation structure. BNSF and City continued to agree that all future maintenance costs for the Iris street grade separation will be shared equally between BNSF and City. BNSF will continue to perform the actual maintenance work on the Iris Street grade separation structure. BNSF has further agreed to bear the costs of barricading the Iris Street grade separation structure to preclude use of the same by vehicular traffic and further bear the cost of any signage that may be required for the diversion or rerouting of vehicular traffic. Actual installation of the permanent barricades and decisions for and installation of the necessary signage will be performed by City.
8. BNSF and City agree and affirm that there are sufficient alternative roadways and routes that can reasonably accommodate all vehicular traffic that may be diverted as a result of the closure and barricading of the Iris Street grade separation structure to all vehicular traffic.

Wherefore, joint petitioners, The Burlington Northern and Santa Fe Railway Company and City of Savanna, Carroll County, Illinois requests the Illinois Commerce Commission, if it deems necessary, set the aforesaid matter for hearing and to the extent required by law enter an order permanently closing and barricading to all vehicular traffic the grade separation location at the intersection of Iris Street and the trackage of The Burlington Northern and Santa Fe Railway Company in Savanna, Carroll County, Illinois at Milepost 143.39, DOT No. 069902Y in the manner agreed to by the parties and as set forth above.

THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY

By: *Cheryl J. Jank*

Title: *Manager of Public Projects*

CITY OF SAVANNA, CARROLL COUNTY, ILLINOIS

By: *Eugene T. Flack*

Title: Mayor

KENNETH J. WYSOGLAD & ASSOCIATES

Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Petitioner
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

STATE OF MISSOURI)
) SS
COUNTY OF GREENE)

VERIFICATION

Cheryl Townlian, being duly sworn on oath deposes and states that she is Manager, Public Projects for The Burlington Northern and Santa Fe Railway Company, Joint Petitioner herein; that she is duly authorized by said railroad company to sign, verify and file the foregoing Joint Petition and that the matters set forth in said Joint Petition are true and correct to the best of her knowledge, information and belief.

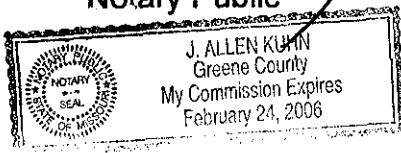
Cheryl Townlian

Subscribed and sworn to

before me this 14 day of

APRIL, 2002

J. Allen Kuhn
Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF CARROLL)

VERIFICATION

I, Eugene T. Flack, being duly sworn on oath
deposes and states that ~~he~~^{she} is the Mayor of the City
of Savanna, Carroll County, Illinois; that ~~he~~^{she} is duly authorized to sign, verify and file
the foregoing Joint Petition and that the matters set forth in said Petition are true and
correct to the best of his/her knowledge, information and belief.

Eugene T. Flack

Subscribed and sworn to

before me this 9th day of
April, 2003

Sheryl L. Sipe
Notary Public



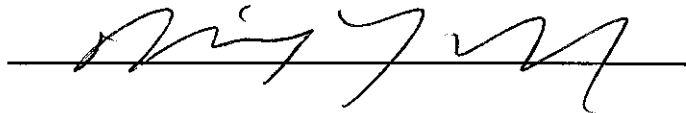
PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 15 day of April, 2002, he caused to be served, a true and correct copy of **JOINT PETITION** upon:

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Mr. James L. Easterly
Illinois Department of Transportation
Division of Highways
2300 S. Dirksen Pkwy, Suite 300
Springfield, IL 62764

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

A handwritten signature in black ink, appearing to read "Michael L. Sazdanoff", is written over a horizontal line.